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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,836	02/11/2004	Joseph El-Hindi	131P008	3016
28264	7590	06/01/2006	EXAMINER	
BOND, SCHOENECK & KING, PLLC ONE LINCOLN CENTER SYRACUSE, NY 13202-1355			KIM, YOON YOUNG	
			ART UNIT	PAPER NUMBER

1723

DATE MAILED: 06/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/776,836	Applicant(s) EL-HINDI, JOSEPH	
	Examiner Yoon-Young Kim	Art Unit 1723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is in response to the Amendment filed on March 16, 2006.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Zievers et al., U.S. Patent No. 5,037,461.

Regarding Claim 1, Zievers discloses a vessel for filtering oil, comprising: a frame (#12) defining at least one compartment (#15, 16, 17); a rack (#30) slidingly engaged with the compartment and adapted for movement in a substantially horizontal plane into and out of the compartment (Col. 14-26); and at least one candle housing (#48, 50, 52) removeably positioned in the rack.

3. Claims 7 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Muller et al., U.S. Patent No. 4,488,965.

Regarding Claim 7, Muller discloses a vessel for filtering oil, comprising: a frame (#1) having a female connector mounted therein (Col. 3, Lines 11-16); an inlet pipe (#2); a tubular rack (#7) having a male connector, wherein the rack is removably positioned in the compartment such that the male connector engages the female connector (Col. 3, Lines 11-16);

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at least one candle housing (#20) including a plurality of filter elements (#11) removeably positioned in the rack and in fluid communication with the rack; and an outlet pipe (#12) interconnected to the female connector.

Regarding Claim 16, Muller discloses a sloped floor pan (Fig. 1).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-3 and 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zievers as applied to Claim 1 above, and further in view of Muller.

Regarding Claim 2, Zievers does not disclose a plurality of filter elements in the housing. Muller teaches a filter comprising a plurality of filter elements (#11) suspended in the housing (#20). Duplication of parts has no patentable significance unless a new and unexpected result is produced. In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

Regarding Claim 3, Zievers discloses a mounting plate (#48) and defines a chamber (#49) above the mounting plate.

Regarding Claims 5-6, Muller discloses that the rack comprises a hollow tube (#7). It would have been obvious to one of ordinary skill in the art to modify Zievers with the hollow tube of Muller because they are both candle filter assemblies.

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6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zievers in view of Muller as applied to Claim 4 above, and further in view of Schmidt, Jr. et al., U.S. Patent No. 3,438,502.

Regarding Claim 4, Zievers does not disclose a permeable core. Schmidt teaches a filter comprising a permeable core (#66) that is threadably engaged (#71, 73) to the mounting plate (#34) and is in fluid communication with the chamber. It would have been obvious to one of ordinary skill in the art to modify Zievers with the element of Schmidt because they are both candle filter assemblies.

7. Claims 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muller as applied to Claim 7 above, and further in view of Dehn, U.S. Patent No. 5,833,725.

Regarding Claim 8, Muller discloses a sludge purge line (#3) and an overflow line (#5) but does not disclose an air purge line. Dehn teaches a filter comprising an air purge line (#19). It would have been obvious to one of ordinary skill in the art to modify Muller with the element of Dehn in order to be able to clean the filter candles (Col. 3, Lines 34-40).

Regarding Claim 17, Dehn discloses a frame comprising a plurality of compartments (#18) each compartment including a pair of tubular racks (#7).

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Muller in view of Dehn as applied to Claim 8 above, and further in view of Monsarrat et al., U.S. Patent No. 2,278,148.

Regarding Claim 9, Muller in view of Dehn does not teach a door or a handle. Monsarrat teaches a filter comprising a door for enclosing a compartment and a handle attached to a door (Fig. 1). It would have been obvious to one of ordinary skill in the art to

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modify Muller in view of Dehn with the door and handle of Monsarrat because it is an apparatus common in the filter art.

9. Claims 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muller as applied to Claim 7 above, and further in view of Schmidt, Jr.

Regarding Claim 10, Muller does not disclose a threadable mounting plate. Schmidt teaches a filter comprising a permeable core (#66) that is threadably engaged (#71, 73) to the mounting plate (#34) and is in fluid communication with the chamber. It would have been obvious to one of ordinary skill in the art to modify Muller with the element of Schmidt because they are both candle filter assemblies.

Regarding Claim 11, Schmidt discloses a mounting plate (#34) and defines a chamber (#32) above the mounting plate.

Regarding Claim 12, Muller in view of Schmidt discloses that chamber ('502, #32) is interconnected to and in fluid communication with the tubular rack ('965, #7).

Regarding Claim 13, Schmidt discloses that the filter element includes a permeable core (#66) surrounded by compressed filter media (#77).

Regarding Claim 14, Schmidt discloses that the core (#66) is threadably engaged (#71, 73) to the mounting plate (#34).

10. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Muller in view of Schmidt as applied to Claim 14 above, and further in view of Johnson, U.S. Patent No. 1,873,594.

Regarding Claim 15, Muller in view of Schmidt does not disclose a header. Johnson teaches a filter comprising headers (#11) interconnected to the inlet pipe (#6). It would have

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been obvious to one of ordinary skill in the art to modify Muller in view of Schmidt with the element of Johnson in order to distribute the incoming fluid uniformly throughout (Col. 2, Lines 54-66).

Response to Arguments

11. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

Zievers and Muller disclose the invention as claimed.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yoon-Young Kim whose telephone number is (571) 272-2240. The examiner can normally be reached on 8:30-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on (571) 272-1151. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

YK
5/30/06


TERRY K. CECIL
PRIMARY EXAMINER